

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

Jessica Allen, individually and on behalf of the heirs at Law of Lacey Higdem, vs. Myles Brunelle, in his individual capacity; April Azure, in her individual capacity; Rolette County; Roy Cordy, MD; and Presentation Medical Center,)) Plaintiff,)))) Defendants.) Civil No. 3:22-CV-93 (PDW/ARS))))))))) PLAINTIFF'S NOTICE OF ACCEPTANCE OF CLARIFIED RULE 68 OFFER OF JUDGMENT
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On March 18, 2025, Plaintiff received a Rule 68 Offer of Judgment (the “Offer”) from Defendants Myles Brunelle, in his individual capacity; April Azure, in her individual capacity; and Rolette County (the “County Defendants”), which is attached hereto as Exhibit A. Pursuant to authority from the Eighth Circuit, Plaintiff sought clarification regarding the Offer. *See Radecki v. Amoco Oil Co.*, 858 F.2d 397, 402-03 (8th Cir. 1988). Specifically, Plaintiff inquired whether the North Dakota Insurance Reserve Fund (“NDIRF”), Rolette County’s insurer, was the entity financially responsible for paying the offered judgment amount of \$2,000,000. On March 18, 2025, undersigned counsel for Plaintiff received written clarification from counsel for the County Defendants that NDIRF was responsible for the payment. That written confirmation is attached hereto as Exhibit B.

As such, pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, Plaintiff Jessica Allen, individually and on behalf of the heirs at law of Lacey Higdem, by and through her undersigned counsel, hereby accepts and provides notice that she has accepted the County Defendants’ Rule 68 Offer of Judgment dated March 18, 2025, with the included clarification regarding payment of the resultant judgment.

Dated: March 27, 2025

ROBINS KAPLAN LLP

s/Andrew J. Noel

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CERTIFICATE OF SERVICE

Amy G. Jones, a legal administrative assistant at the law firm of Robins Kaplan LLP, 2800 LaSalle Plaza, 800 LaSalle Avenue South, Minneapolis, MN 55402-2015, hereby certifies that on the 27th day of March 2025, service of following documents:

Plaintiff's Notice of Acceptance of Clarified Rule 68 Offer of Judgment

was made via E-mail and by FEDEX upon the following:

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/s/Amy G. Jones

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